

SENATE BILL NO. 199

INTRODUCED BY D. WANZENRIED

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING SPECIAL IMPROVEMENT DISTRICT LAWS; REQUIRING THAT A RESOLUTION OF INTENTION TO CREATE A SPECIAL IMPROVEMENT DISTRICT INCLUDE CERTAIN INFORMATION REGARDING THE PROPERTY OWNERS WITHIN THE PROPOSED DISTRICT; ELIMINATING THE ABILITY OF THE GOVERNING BODY TO OVERRULE A PROTEST FOR A SANITARY SEWER DISTRICT; AND AMENDING SECTIONS 7-12-4104 AND 7-12-4113, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 7-12-4104, MCA, is amended to read:

**"7-12-4104. Resolution of intention to create special improvement district.** (1) Before creating any a special improvement district for the purpose of making any of the improvements or acquiring any private property for any purpose authorized by this part, the city council shall pass a resolution of intention to do so.

(2) The resolution ~~shall~~ must:

(a) designate the number of ~~such~~ the district;

(b) describe the boundaries ~~thereof~~ of the district;

(c) state ~~therein~~ in the resolution the general character of the improvement or improvements ~~which that~~ are to be made and an approximate estimate of the cost ~~thereof~~ of those improvements; and

(d) specify the method or methods by which the costs of the improvements will be assessed against property in the district; and

(e) provide a complete list of the property owners' names, addresses, and phone numbers that are publicly available, within the proposed district.

(3) When any improvement is to be made in paving, the city or town council may, in describing the general character of it in the resolution, describe several kinds of paving."

**Section 2.** Section 7-12-4113, MCA, is amended to read:

**"7-12-4113. Sufficient protest to bar proceedings -- exceptions.** (1) Except as provided in ~~subsections (2) and (3)~~ subsection (2), ~~no~~ further proceedings ~~shall~~ may not be taken for a period of 6 months

1 from the date when ~~said the~~ protest ~~shall have been~~ is received by ~~said the~~ clerk of the city or town council or  
 2 commission when:

3 (a) the council or commission finds that ~~such the~~ protest is made by the owners of property in the district  
 4 to be assessed for more than 50% of the cost of the proposed work, in accordance with the method or methods  
 5 of assessment described in the resolution of intention; or

6 (b) the cost ~~thereof of the proposed work~~ is to be assessed upon the property within an extended district  
 7 and the council or commission finds that ~~such the~~ protest is made by the owners of more than 50% of the area  
 8 of the property to be assessed for ~~said the~~ improvements.

9 (2) The council or commission ~~shall have the right to~~ may overrule any ~~and all~~ objections and pave the  
 10 proposed block with gravel and oil surface when the improvement proposed is the paving, with necessary  
 11 incidentals, of not more than one cross block to connect with streets or avenues already paved for a continuous  
 12 distance of three blocks or more running at a right angle<sub>1</sub> (or substantially so)<sub>1</sub> with the single cross block ~~so~~  
 13 proposed to be paved.

14 ~~(3) In case the improvement is the construction of a sanitary sewer, such protest may be overruled by~~  
 15 ~~an affirmative vote of a majority of the members of the council or commission unless such protest is made by the~~  
 16 ~~owners of property in the district to be assessed for more than 75% of the cost of the district, in accordance with~~  
 17 ~~the methods of assessment described in the resolution of intention, in which event the protest must be sustained~~  
 18 ~~as to the construction of such sanitary sewer."~~

19  
 20 NEW SECTION. Section 3. Saving clause. [This act] does not affect rights and duties that matured,  
 21 penalties that were incurred, or proceedings that were begun before [the effective date of this act].

22 - END -